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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-----------------|----------------------|-------------------------|------------------|
| 09/469,738 | 12/21/1999 | JOSEPH J. CHANG | 056301.P478 | 5325 |
| 8791 | 7590 07/23/2002 | | | |
| BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025 | | | EXAMINER | |
| | | | HAYES, MICHAEL J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3763 | |
| | | | DATE MAILED: 07/23/2002 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | M | | | | |
|--|--|--|--|--|--|--|
| 4 | Application No. | Applicant(s) | | | | |
| | 09/469,738 | CHANG, JOSEPH J. | | | | |
| Office Action Summary | Examiner | Art Unit | | | | |
| | Michael J Hayes | 3763 | | | | |
| The MAILING DATE of this communication app Period for Reply | pears on the cover st | eet with the correspondence address | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPL | Y IS SET TO EXPIR | E <u>3</u> MONTH(S) FROM | | | | |
| THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply if NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status | 36(a). In no event, however y within the statutory minimu will apply and will expire SIX | may a reply be timely filed m of thirty (30) days will be considered timely. (6) MONTHS from the mailing date of this communication. | | | | |
| 1) Responsive to communication(s) filed on <u>05</u> . | June_2002 . | | | | | |
| | is action is non-fina | l. | | | | |
| 3) Since this application is in condition for allowa | ance except for form | al matters, prosecution as to the ments is | | | | |
| closed in accordance with the practice under Disposition of Claims | Ex parte Quayle, 19 | 35 C.D. 11, 453 O.G. 213. | | | | |
| 4)⊠ Claim(s) <u>14-18</u> is/are pending in the application | | | | | | |
| 4a) Of the above claim(s) is/are withdra | wn from consideration | on. | | | | |
| 5) Claim(s) is/are allowed. | Claim(s) is/are allowed. | | | | | |
| 6)⊠ Claim(s) <u>14-18</u> is/are rejected. | ☑ Claim(s) <u>14-18</u> is/are rejected. | | | | | |
| 7) Claim(s) is/are objected to. | Claim(s) is/are objected to. | | | | | |
| 8) Claim(s) are subject to restriction and/o | r election requireme | nt. | | | | |
| Application Papers | | | | | | |
| 9) The specification is objected to by the Examine | | ahiostad to by the Everniner | | | | |
| 10) ☐ The drawing(s) filed on 21 December 1999 is/a Applicant may not request that any objection to the | | | | | | |
| 11) The proposed drawing correction filed on | | | | | | |
| If approved, corrected drawings are required in re | | | | | | |
| 12) The oath or declaration is objected to by the Ex | • | | | | | |
| Priority under 35 U.S.C. §§ 119 and 120 | | | | | | |
| 13) Acknowledgment is made of a claim for foreign | n priority under 35 U | .S.C. § 119(a)-(d) or (f). | | | | |
| a) ☐ All b) ☐ Some * c) ☐ None of: | | | | | | |
| 1. Certified copies of the priority documents have been received. | | | | | | |
| | | | | | | |
| 3. Copies of the certified copies of the prio | | | | | | |
| application from the International Bu * See the attached detailed Office action for a list | reau (PCT Rule 17. | 2(a)). | | | | |
| 14) Acknowledgment is made of a claim for domest | ic priority under 35 l | J.S.C. § 119(e) (to a provisional application). | | | | |
| a) The translation of the foreign language pro 15) Acknowledgment is made of a claim for domest | | | | | | |
| Attachment(s) | | | | | | |
| 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8 | 5) 🔲 N | terview Summary (PTO-413) Paper No(s) otice of Informal Patent Application (PTO-152) her: | | | | |

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DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the blunting member lumen in communication with the flash chamber must be shown or the feature(s) canceled from the claim(s). Applicant's specification describes a flash chamber 37 and housing 67 and drawings show that show the blunting member lumen in communication with the housing 67, but not with the flash chamber 37. No new matter should be entered.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show 52 as described in the specification at page 8. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over GOMEZ (EP 0 630 661) in view of SAHI (U. S. Patent No. 5,009,642) and CHANG (U. S. Patent No. EP

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0 353 905). Gomez discloses a catheter unit including an introducer sheath 72, needle 76, and flash chamber 78 having a flash plug 80. Gomez does not disclose a hollow blunting member fitting within the needle bore or a porosity for the flash plug. Sahi teaches the use of a hollow blunting member to protect against needle injury and to communicate with a flash chamber. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the blunting member of Sahi in the device of Gomez in order to provide safe and accurate use of the catheter unit. Chang teaches the use of a UHMWPE flash plug with various porosities within the range of 35-55% (pg. 4, Table; claim 9) to provide for rapid filling of the flash chamber and thorough sterilization. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the porosities as taught by Chang in the catheter unit of Gomez and Sahi in order to provide a sterilizable device with efficient flash chamber.

Double Patenting

Applicant submitted a Terminal Disclaimer in Paper No. 5, received 14 January 2002 that states Johnson & Johnson Corporation is owner of 100 percent interest in this application.

However, the prior patent used in the double patenting rejection is assigned to Ethicon. This was discussed in a phone call with Mr. Thomas Coester, who stated that a new Terminal Disclaimer will be filed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Hayes at (703) 305-5873. The examiner can usually be reached Monday -Thursday, 7:00-4:30, and on alternate Fridays. If attempts to reach the

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examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler, can be contacted at (703) 308-3552. The fax number for submitting official papers is (703) 872-9302. The fax number for submitting after final papers is (703) 872-9303.

mjh 20 July 2002